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Report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004)

I. Introduction

1. The present report is submitted pursuant to paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004 and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004.

II. Security

2. At the meeting of the Joint Implementation Mechanism held on 21 October 2004, the Government of the Sudan provided documentation on measures it had taken to implement its commitments under the joint communiqué signed on 3 July, and welcomed the mandate of the enhanced mission of the African Union (AU) following the communiqué of 20 October of the Peace and Security Council of the African Union.

3. At that meeting, the Vice-Chairman of the AU Ceasefire Commission noted that, while the Government had provided an accurate list of locations for its forces in Darfur, it had not included details of the size and the nature of military units in each location. He indicated that the rebel movements had not fulfilled their obligations either. The Sudan Liberation Movement/Army (SLM/A) had provided only a list of villages they said were under their control, and the Justice and Equality Movement (JEM) had given only a list of general areas under its control. At a meeting with my Special Representative, following the meeting of the Joint Implementation Mechanism, the Government promised to provide full information to the Ceasefire Commission regarding its deployment throughout Darfur.

4. At the meeting of the Joint Implementation Mechanism on 17 September, the Government had agreed that progress towards full security implied that achievements thus far would be maintained and improved upon. There was to be no reversal. However, the month of October has seen a deterioration in security conditions in Darfur.

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5. The incidents listed below were reported to the United Nations by observers and humanitarian agencies working in Darfur. The reports were cross-checked with sources on both sides of the conflict.

- Government forces supported by Janjaweed militia attacked an SLA camp in Northern Darfur on 2 October. In Alliet village in Northern Darfur, continuous fighting was reported between the Government and SLA from 21 to 23 October. There were fatalities, and thousands of civilians required assistance as a result.
- SLA reportedly attacked police posts nine times in October, killing at least nine policemen. Government forces were ambushed on 2 and 12 October in Southern Darfur, on 6, 13 and 15 October in Western Darfur and on 17 October in Northern Darfur. Early in October, a convoy including two deputy Ministers travelling through Northern Darfur was attacked, leaving one official dead. On 7 October, in Southern Darfur, SLA elements reportedly looted 50 head of cattle from nomads.
- Armed men on horseback attacked a village in Northern Darfur on 4 October, killing four civilians and stealing cattle. There was an attack in Northern Darfur on 19 October that lasted at least three days and caused a considerable number of fatalities. Two women who had been working in a health clinic were abducted in Northern Darfur on 3 October. Seven women were abducted and allegedly raped in Western Darfur on 8 October.
- In Southern Darfur, at least 14 civilians were massacred at a marketplace on 12 October. A civilian vehicle was attacked on 2 October and eight civilians were killed when their vehicle was attacked on 3 October in Northern Darfur.
- A party of merchants on donkeys were attacked in Western Darfur on 3 October, and one person was killed. A busload of civilians were robbed in Northern Darfur on 5 October.
- In Northern Darfur on 11 October a convoy of civilians was attacked; two were injured and others were abducted with their vehicles. They were released the following day.
- Fighting involving up to 100 Janjaweed occurred in Southern Darfur from 14 to 20 October. In the same area, a group of Nigerian pilgrims were robbed by 20 armed men, and the women were sexually assaulted.
- United Nations vehicles were stopped and radios and personal belongings were taken on 1 October in Southern Darfur. Vehicles of international non-governmental organizations (NGOs) were looted at gunpoint in Southern Darfur on 8 and 19 October. Trucks loaded with goods from the World Food Programme (WFP) were stopped by SLA and/or armed men in Southern Darfur on at least five separate occasions in October. Government security authorities reportedly removed fuel from a truck contracted to an international NGO twice in Northern Darfur in the first half of October. On 10 October, two NGO workers were killed when their vehicle struck a landmine in Northern Darfur. On 12 October two NGO workers were injured when their vehicle was fired upon by Government soldiers in Western Darfur. On 15 October, in Northern Darfur, Government soldiers fired shots to stop two NGO vehicles

and, on 20 October, NGO vehicles were stopped at gunpoint. The vehicles were released one hour later with the two staff.

- Towards the end of the month, the situation became very tense. The looting of a large number of camels from Arab tribes and the kidnapping of 18 civilians from a passenger bus led to the gathering of a large number of militias in the area around Zalingei, in Western Darfur. The leaders of the militias set an ultimatum of 48 hours after which they would commence retaliation. This inevitably would result in large-scale attacks on civilians and displaced persons that could lead to huge loss of life. The United Nations and non-governmental organizations have decided to reduce their presence in this area. In Northern Darfur, there are somewhat similar situations around Kutum, while in Southern Darfur there are increased militia activities in Nyala.

6. This long list is by no means complete. Information is often confusing and the situation on the ground is complex. However, as in my previous report, it is possible to infer certain trends:

(a) The situation became ever more intense in October, and there was less security and more violence than in the preceding month.

(b) Ceasefire violations continued throughout the month. In fact, they increased on both sides. Neither side refrains from conducting attacks against the other or exercises restraint when attacked, as confirmed by the Vice-Chairman of the AU Ceasefire Commission at the meeting of the Joint Implementation Mechanism on 21 October. Ceasefire Commission reports indicate that their monitors have even been caught in the crossfire in the course of their investigations. From those and other reports it seems that SLM/A was responsible for the greater number of violations in October.

(c) SLM/A are seeking to claim a wider area of Darfur as being under their control and have taken action leading to the closure of several routes of strategic importance. In what appears to be a deliberate campaign to strengthen their logistical and fighting capacity, SLM/A forces attacked a large number of police positions and so-called soft targets, capturing weapons and ammunition. They have captured vehicles from the police, but also taken them at gunpoint from humanitarian agencies.

(d) The Government is trying to consolidate its positions and extend the territory under its control, taking advantage of the fact that the rebels have not disclosed their positions as required in the N'Djamena ceasefire agreement. It has responded to increasing pressure from SLM/A attacks by launching operations using combined forces from the army, police and militia, including groups known to the local population and the internally displaced persons as Janjaweed. This blurring of security roles between military, police and militia forces undermines the vital task of establishing the police as a credible force for law and order.

(e) Helicopters and other aircraft previously used for bombing have continued to be used in support of these operations. However, it is still unclear whether aircraft actually discharged weapons during the October clashes. The United Nations is awaiting verification from the AU Ceasefire Commission before reaching a conclusion on such reports.

(f) At the beginning of the reporting period, attacks on civilians by militia did not occur on the massive or systematic scale seen in previous months. The attacks were carried out by smaller groups. However, towards the end of the month, the threat of large-scale attacks increased considerably.

(g) In what appears to be a general drift towards lawlessness, cases of banditry and abduction dramatically increased in October. This is affecting civilian traffic, including pilgrims travelling through the Sudan for the Hajj, and hampering the delivery of humanitarian aid.

(h) Various sources have reported the emergence of a new rebel movement in Darfur, known as the National Movement for Reformation and Development (NMRD). It claims responsibility for attacks against Government troops, but it has also threatened the AU Ceasefire Commission, which, since it is not a party to any ceasefire agreement, is not recognized by NMRD. There have also been clashes between JEM and NMRD. In addition, a new anti-Government armed group called *Al-Shahamah* (nobility) has emerged in Western Kordofan. This group calls for a fair distribution of wealth and power and better education and employment opportunities for the people of that State. It also demands a review of the power- and wealth-sharing protocols, and revision of the protocol on the Nuba Mountains and the southern Blue Nile regions signed by the Government and the Sudan People's Liberation Movement/Army (SPLM/A). Fights between rebel movements and the spread of activities to parts of the Sudan outside Darfur further increased insecurity.

7. The consequences for humanitarian operations and for aid workers are disturbing and tragic. The mine that killed two NGO workers on 10 October appears to have been laid very recently and may be part of a wider mining campaign. This presents humanitarian workers and civilians with a lethal new threat in addition to the banditry and intimidation they have faced so far. Moreover, national staff members of international non-governmental organizations have been arrested by Government security forces on several occasions. All this is reason for great concern.

III. Disarmament of the Janjaweed and other armed militias and outlaw groups

8. At the meeting of the Joint Implementation Mechanism on 21 October, the Government announced that it had disarmed 272 Janjaweed around Kass in Southern Darfur, 350 Janjaweed from Kulbus in Western Darfur, and around 2,600 militia in Al Fasher, Northern Darfur. It said the disarmament was achieved by a combination of arrests, purchase of arms and voluntary ceding of arms to the Government by some fighters.

9. While disarmament on any scale may be seen as progress towards the fulfilment of the Government's obligations under Security Council resolution 1556 (2004), such efforts are unlikely to reduce levels of insecurity or restore confidence unless they are conducted according to a systematic methodology and subject to independent verification. The Government had agreed with my Special Representative that disarmament of the Popular Defence Force would be verified by the AU Ceasefire Commission. Any information on arrest or disarmament of

Janjaweed or other armed groups is to be supplied by the Government to the Ceasefire Commission in accordance with paragraph 9 of resolution 1564 (2004). The Ceasefire Commission confirmed at the meeting of 21 October, however, that it has not been invited to verify any disarmament by the Government. The United Nations has also received no information that would allow it to verify that disarmament has occurred. At the Joint Implementation Mechanism meeting of 17 September, the Government announced that details of a plan to set up a commission to collect weapons would be forthcoming, but that plan has still not been presented. Disarmament, without measures to ensure that the demobilized fighters will not join other militias or become bandits, will do little to improve the situation in Darfur. Disarmament without verification does not constitute persuasive evidence that the Government has fulfilled its obligations under the Security Council resolutions or other arrangements, notably the joint communiqué.

10. In addition, a comprehensive disarmament, demobilization and reintegration programme is urgently needed, lest the disarmament and demobilization of the fighters itself become a source of insecurity. Such a broad and systematic programme is not likely to succeed in the present climate of insecurity, characterized by widespread violations of the ceasefire, banditry and continuing attacks on civilians. So long as there is no credible effort to end impunity, fear of attack and the knowledge that the perpetrators of past atrocities remain at large make it doubly hard to loosen people's attachment to their weapons. Aside from the unqualified responsibility of the Government to disarm the Janjaweed, as laid out in resolution 1556 (2004), broader disarmament can only succeed if there is a real determination by the Government to end impunity and a robust commitment by all parties to uphold the N'Djamena ceasefire agreement.

IV. Impunity and confidence-building

11. There are strong indications that war crimes and crimes against humanity have been committed in Darfur on a large and systematic scale. This has been confirmed by a number of senior United Nations human rights experts who have visited the region, including the United Nations High Commissioner for Human Rights, my Special Adviser on the Prevention of Genocide, and independent experts of the Commission on Human Rights. Human rights observers have recently reported that armed personnel disinterred more than 40 bodies from a mass grave in Shouba, Northern Darfur, and have been seen working on another site in what appears to be an attempt to interfere with evidence of mass killings.

12. The disarmament, apprehension and bringing to justice of Janjaweed leaders was a central demand of the Security Council in resolution 1556 (2004). At the Joint Implementation Mechanism meeting on 21 October, the Government announced the sentencing of an alleged Janjaweed leader, Mohammed Barbary Hasab El Nabi, who was convicted by a special court on 4 October of crimes of robbery, criminal conspiracy and criminal mischief. In a separate case, the Nyala Special Court issued sentences of imprisonment and capital punishment to five men, including two policemen, arrested in July 2004 on charges related to the burning and looting of a village in Southern Darfur. In the other case brought to the attention of the Joint Implementation Mechanism on 21 October, a member of the intelligence services was found guilty of torture and sentenced by a military court to one year of

imprisonment. At the same meeting, information was given regarding cases under investigation. Nearly all of them relate to "unknown armed men".

13. Although it seems that concrete action to end impunity is being taken, those cases represent a pinprick in terms of the charges brought and numbers of perpetrators convicted. The action taken by the Government to hold perpetrators accountable has certainly not been commensurate with the scale and seriousness of the crimes. The Government must do much more to meet its obligations in this regard.

14. At the Joint Implementation Mechanism meeting on 21 October, the Wali of Southern Darfur gave an account of the recent intertribal conflict resolution initiative, which he indicated had brought peace to Southern Darfur between the Rizeigat, Turgum, Fur, Birgid and Ma'alya tribes. He said that successful resolution was achieved by bringing in tribal leaders from outside Darfur and by using traditional means of justice, including compensation. He suggested that this approach might serve as a model for other parts of the country. My Special Representative has stated that such action is welcome, in particular in cases of intertribal conflict. He also stated, however, that the views of the victims and their families ought to be reflected in the procedure so as to render the outcome just and sustainable. Moreover, such procedures can only complement, not be substituted for, action to bring perpetrators to justice as demanded by the Security Council in resolution 1556 (2004).

15. On 7 October 2004, I announced the establishment of an International Commission of Inquiry, pursuant to Security Council resolution 1564 (2004). Professor Antonio Cassese (Italy) will function as its Chairperson. In addition to the high-calibre Commissioners, there will be a legal research team, including staff who have worked on the Sudan and Darfur-related issues. The Office of the High Commissioner for Human Rights is making arrangements for setting up the research team and a secretariat.

16. The investigative team set up for the International Commission of Inquiry will be headed by a chief investigator backed by a team of six investigators, three forensic experts, four analysts and six interpreters. The team of investigators would probably have to spend some 40 days in the Sudan in addition to the time spent on mission with the Commissioners themselves. The security support team will be led by a senior security officer, with field security assistants and additional support staff. The Commission commenced its work on 25 October and has three months to complete its work and report back to me. It plans to travel to the Sudan, including Darfur, in November 2004.

V. The humanitarian situation in Darfur

17. The estimated number of conflict-affected persons in Darfur rose from 1.8 million, as at 1 September, to 2 million as at 1 October, an upward trend expected to continue until the end of the year. The increase stems mainly from the growing population of internally displaced persons, which now stands at 1.6 million. A further 400,000 people are currently assessed to be affected by the conflict and in need of humanitarian assistance. The figure of 2 million represents a 100 per cent increase in the number of people in need of humanitarian assistance since April

2004. It means that almost one third of the estimated population of Darfur now requires life-saving assistance from the international community.

18. Of the net increase of approximately 150,000 in the number of internally displaced persons, approximately 100,000 are newly displaced as a result of insecurity or the attraction of assistance in camps as their own coping mechanisms have deteriorated. The area experiencing the highest increase in internally displaced persons was Southern Darfur (about 120,000), which is explained by the high level of insecurity prevailing in that region over this period. Fresh fighting in the Yassin area, for example, has led to more displacement to Kalma camp at Nyala, as well as Nyala town itself. Other internally displaced persons arriving have reported that they have been forced to move as their food stocks have become exhausted, owing to the failed agricultural season of 2004 — which has led to increased vulnerability and food insecurity in many parts of Darfur. A slight fall in the number of internally displaced persons has been recorded in Northern Darfur, because of improvements in registration. A recent survey by WFP found that nearly a quarter of internally displaced persons were critically short of food. Eight per cent of them are not receiving any food aid at all.

19. The United Nations and its partners in the humanitarian community have made progress in addressing the key life-saving needs of the conflict-affected population for the period ending 1 October. Food was delivered to 70 per cent of the identified vulnerable population, compared to slightly over 50 per cent during the previous month. The number of food aid beneficiaries rose from about 940,000 to over 1.4 million during this period — slightly more than a 50 per cent increase. The coverage of shelter and related non-food items remains static at just over half of the affected population, even though support has increased in absolute terms. The main reason for this is the continuing growth of the population in need, combined with a lack of distribution capacity. Similarly, although there has been an increase in the absolute number of those receiving assistance in the water and sanitation sector, the rise in the number of the affected population has resulted in the gap of over 55 per cent. Access to primary health facilities and the availability of basic drugs increased; however, there are many underserved areas of Darfur where the gaps remain much too wide, at around 80 per cent, in many instances as a result of insecurity.

20. Nutritional surveys conducted by United Nations and other humanitarian agencies indicated a global acute malnutrition rate of 22 per cent and severe acute malnutrition rate of 4 per cent. These figures, while still preliminary, indicate a very fragile situation. According to a recent survey by WFP, almost half of the families in Darfur still do not have enough to eat.

21. In the areas of health and education, children, as always, are especially vulnerable. More than 40 per cent of internally displaced children have diarrhoea and nearly one fifth have acute respiratory infections. According to a recent WFP survey, almost 22 per cent of children are malnourished and fewer than one in five of the identified malnourished children in need of supplementary feeding are being reached. Progress has been made in stabilizing the malnutrition situation in areas of population concentration. Education for children has suffered enormously because of the crisis in Darfur. It is estimated that, on 1 October, just over 20 per cent of the conflict-affected population had access to sustainable basic education. The gap in education has remained constant despite the increase in the numbers of the affected population.

22. The prevailing insecurity and displacement continue to disrupt all livelihood systems. Livestock losses are greater than 90 per cent for the internally displaced population in Government-controlled areas. Interventions so far are limited as a severe lack of funding is impeding emergency livestock-saving activities. It is estimated that more than 460,000 households in Darfur will be in need of agricultural assistance in 2005.

23. Funding constraints remain a major concern for the humanitarian community. So far, agencies have received about 75 per cent of requirements (or $397 million out of $534 million). This represents a very recent improvement in support from donors, but leaves $136 million still to be raised for the Darfur operation in 2004. Some critical areas and individual agencies remain severely underfunded. If the United Nations is to meet its assistance targets by the end of 2004, and have a substantially larger impact on the humanitarian situation, more resources are needed. Without a continued injection of substantial resources, many of the gains made may be lost if assistance cannot be increased further to meet the increasing needs of the population.

VI. Humanitarian access

24. Humanitarian access in Darfur is currently affected by two factors: the level of insecurity, which requires humanitarian agencies to temporarily suspend their activities in certain areas in order to protect their staff; and road and weather conditions which can limit, if not cut off, movement to some locations. The latter is less of a factor as the rainy season is coming to an end. However, as noted above, insecurity is an increasing concern as it has led to restrictions on the use of main roads.

25. Currently, just under 85 per cent of the 2 million conflict-affected persons in Darfur can be reached — a percentage similar to that of the previous month. Western Darfur enjoys the greatest humanitarian access, where slightly less than 100 per cent of the conflict-affected population can be reached, while populations in Southern Darfur are the least accessible because of insecurity. Only around 70 per cent of these can be reached.

26. While progress has been made in gaining humanitarian access in SLM/A-controlled areas in Southern Darfur, limited cooperation by the SLM/A in Northern Darfur is likely to severely constrain humanitarian operations. SLM/A officials based in this area have continued to impose new conditions and restrictions on humanitarian agencies. The tragic consequences of the failure of the parties to the conflict to actively protect and support humanitarian operations were seen on 10 October, when two humanitarian staff of the non-governmental organization Save the Children-UK were killed by a freshly laid anti-tank mine. The region of Umm Barro is now a "no go" area for all United Nations and Save the Children-UK humanitarian activities. On 19 October United Nations staff on the ground concluded an agreement with SLM/A in Northern Darfur on "ground rules" for a notification procedure and principles for humanitarian operations in the region. However, SLM/A has so far not implemented the new understanding. Instead, SLA commanders set further conditions with regard to notification.

27. The Government has maintained its moratorium on restrictions on the import of humanitarian goods and equipment, as well those on the visas and registration of

newly arriving non-governmental organizations. Today, almost 70 such organizations have been registered to work in Darfur. This is reflected in the number of humanitarian staff for the Darfur operation, which increased from 5,000 on 1 September to more than 6,100 on 1 October, including 780 international humanitarian workers.

VII. Returns

28. In my previous reports, I said that, because of continuing uncertainty regarding security conditions in areas of return, the overwhelming majority of internally displaced persons did not plan to go back to their villages in the near future. While some internally displaced persons may respond to improved security in some parts of Darfur by returning to their homes, interviews with the displaced indicate that the level of protection and security is still not adequate for most of them to take that risk.

29. At the Joint Implementation Meeting of 21 October, the Wali of Southern Darfur claimed that more than 70,000 internally displaced persons, had returned to their homes. This figure seems unrealistically high. The return of these and other internally displaced persons is being assessed by the Management Coordination Mechanism, created pursuant to the memorandum of understanding between the Government and the International Organization for Migration (IOM) on 21 August, which exists to establish the voluntariness and appropriateness of any return of internally displaced persons in the Darfur region.

30. In October, cooperation on matters concerning returns between the Government, IOM and the United Nations has been satisfactory. Since the Management Coordination Mechanism was established, progress has been made in reaching definitions of appropriateness and voluntariness and establishing standard operating procedures. The Management Coordination Mechanism is now ready to become operational in all parts of Darfur. However, as indicated below, some disturbing incidents of internally displaced persons being pressured to return were reported last month.

VIII. Human rights and protection

31. The lack of physical security for civilians remains the greatest cause of human suffering in Darfur. The security situation affects decisions made every day by civilians in Darfur: whether to return home or to stay in a camp, or to flee homes in a village or area under threat. Attacks and intimidations against internally displaced persons and host communities continue in all three States of Darfur. Cases of rape, abduction, extrajudicial killings, looting by Janjaweed, intimidation of internally displaced persons and their host communities and arbitrary arrest continues to be reported to the human rights observers.

32. In my previous report, I noted a growing level of exasperation and anger among internally displaced persons caused by continuing attacks in the vicinity of the camps. In the period under review the distrust and anger have not diminished. They have been compounded by the increased insecurity and the pressure resulting from the continuing inflow of newly displaced people. Moreover, the response from

the authorities on the ground has in most cases not reflected a real understanding of and care for the people concerned.

33. The police are still not trusted, particularly where civilians feel that the police are unable to respond to new cases, or to protect them against militia or SLM/A attacks. Moreover, reports suggest that the activities of some security officials in camps are part of the problem. Three sheikhs in Kalma camp near Nyala, Southern Darfur, were arrested on 1 October and reportedly tortured because they objected to the return or relocation of the internally displaced persons to a new camp, Sereif. Before their conditional release (two on 15 October, the other on 17 October), the three sheikhs were made to swear not to reveal their ordeal to anyone. In particular they were asked not to disclose what had happened to any international NGO staff. They were ordered to report to the local police twice a week. This suggests a systematic effort by some authorities to use intimidation, arrest, torture or bribery to induce internally displaced persons to return or relocate.

34. The blurring of security roles of regular and irregular forces mentioned in paragraph 6 (d) above is also reflected in joint patrols by military and police officers and by involving the Popular Defence Force in police investigations. This results in the intimidation of internally displaced persons and the local population. It also hinders monitoring of the human rights situation. The Government should present a clear description of the mandate and the structure of the civil police and should decide on a clear division of labour between police and other forces.

35. The authorities in Darfur have not yet ensured free, unhindered and timely access by human rights observers to all prisons and detention centres. So far, they have refused to allow monitoring of the detention centres controlled by military intelligence. This is of particular concern, as there are reports of ongoing major human rights violations in those centres.

36. My Special Representative has agreed with the Government to form a subcommittee of the Joint Implementation Mechanism to raise and follow up human rights and protection issues. The subcommittee will be made up of representatives from the United Nations and the Government (Ministry of Justice and Ministry of Foreign Affairs), and will meet for the first time at the beginning of November. This mechanism may help to ensure a political follow-up to protection issues on the ground. It can also help in instances where the Government in Khartoum needs to be informed and take appropriate action with regard to activities of regional and local authorities that may constitute human rights violations.

37. The conflict in Darfur has created conditions that threaten the safety and well-being of several hundreds of thousands of children. Children under 18 years of age constitute 55 to 60 per cent of the displaced population in Darfur. A significant number of them have either been victims of violence or have been psychologically affected by the violent acts they have witnessed. Several sources, including the AU Ceasefire Commission, have reported recruitment of child soldiers by SLA. On 13 October, the head of the Education Directorate in Northern Darfur issued an order to all the teachers from Kutum, Umm Kaddadah, Millit, Al Waha, Tawillah and Kebkabiya to return to their towns. The departure of 113 teachers out of a total of 375 will add to the already grave disadvantages forced on the children in Abu Shouk camp. I call on the Government to do all it can to provide for and protect the vulnerable children in camps and communities and avoid decisions that could be felt by internally displaced persons as pressure to return to their homes.

38. United Nations agencies are continuing their efforts to strengthen the protection of internally displaced persons and civilians in Darfur. The UNICEF and UNDP programmes described in my previous report have resulted in the training of 850 police and members of the judiciary in Al Fasher and Nyala on key human rights and rule of law provisions relating to the protection of civilians. The programmes also include women and children who have been subject to sexual and gender-based violence. Complementary programmes to support protection, including medical, legal and psychosocial services for victims of sexual violence, are being established in the region.

39. On 26 October, the United Nations country team adopted a strategy for the protection of civilians in Darfur, the aim of which is protection by presence: more international presence is needed to help prevent attacks and adequately address the needs of those affected by the high level of insecurity and violence. The strategy focuses on prioritizing activities in the following areas: the protection needs of populations, whether in camps or not; protection from involuntary returns or relocations; the specific needs of children in Darfur; and measures to prevent and alleviate the consequences of still ongoing acts of rape and gender-based violence.

40. In my previous report, I said that the United Nations would monitor the effect of recent measures taken by the Government aimed at ensuring that victims of sexual assault would have access to medical treatment and be able to swiftly lodge a complaint in accordance with international human rights standards. According to the human rights observers, the formal measures taken by the Government in this regard are not being implemented. Despite being initiated late in August 2004, they are not being applied by officials at the relevant level in the field.

IX. The North-South peace process

41. In my previous report, I expressed concern about the impasse in the peace process led by the Intergovernmental Authority on Development (IGAD), despite the concerted efforts of the international community, including my good offices, to bring it back on track. I am more hopeful now, as the political process addressing the North-South conflict has resumed and is making progress.

42. From 7 to 16 October, the First Vice-President of the Government of the Sudan, Ali Osman Taha, and the Chairman of SPLM/A, John Garang, engaged in high-level negotiations in Nairobi to resolve outstanding security issues and to plan for the successful completion of the peace negotiations. The discussions between the parties were conducted in a cordial and frank atmosphere and they were able to resolve most of the outstanding issues in the arrangements for a permanent ceasefire, including on the deployment of joint integrated units in eastern Sudan and on the collaborative approach in handling other armed groups during the transition period.

43. At the same time, the parties were unable to overcome their differences on the issue of funding the armed forces of southern Sudan and the timing of the incorporation and integration of other armed groups into the respective structures of the Sudan armed forces and SPLA during the transition period. These issues should not be allowed to prevent the completion of the peace talks, as any delay in resolving these matters would inevitably affect United Nations pre-deployment

plans in southern Sudan and the three conflict areas. I therefore appeal to the leaderships of the two parties to focus on a speedy resolution of these issues.

44. In his discussions with the two leaders, my Special Representative stressed the need for the parties to focus on the final conclusion. He called on them to display political courage and wisdom and cautioned them to resist the temptation of reopening signed protocols, or "buying time", in the hope of making more gains. In response, he received the assurance from both parties that they were aiming at a speedy conclusion of the talks and would not reopen agreements reached. It is encouraging that the two leaders of the delegations have also decided that discussion at the technical level will immediately commence on other implementation modalities, as well as on regional and international guarantees.

45. From 17 to 30 October, the parties held negotiations at the technical level to discuss the implementation modalities, during which the parties worked in three subcommittees to discuss the Machakos protocol, the power-sharing and wealth-sharing protocols and the protocol on the conflict areas. The Technical Committee agreed to resume negotiations on 26 November, as the parties were unable to submit a consolidated text of the implementation modalities to the IGAD peace secretariat. However, during this pause, the IGAD peace secretariat will continue to work on the technical issues. The two leaders, Vice-President Taha and Chairman Garang, have also agreed to meet on 11 December to resolve any outstanding issues in the implementation modalities which may be raised by the Technical Committee, and to finalize the text of a comprehensive peace agreement.

46. The two parties consulted the United Nations on various aspects of the ceasefire, envisaging a monitoring and verification role for the United Nations during the implementation phase. At the conclusion of the talks in Nairobi, the parties publicly announced that they had been able to address and resolve certain concerns raised by the United Nations regarding specific elements of that role.

X. The Darfur peace process

47. Political talks between the Government and the rebel movements in Darfur began on 23 August at Abuja under the auspices of the African Union. Negotiations on the humanitarian issues led to an agreement on a protocol to improve the humanitarian situation in Darfur. The parties declined to sign the protocol, however, pending agreement on the remaining issues. Negotiations on a security protocol started, but a wide gap between the positions of the parties prevented them from reaching agreement. Seemingly anticipating the intervention of the Security Council, the Government was reluctant to move beyond the N'Djamena agreement, while SLM/A and JEM insisted on demands that went far beyond what the Government was prepared to accept. As both sides expected important decisions relevant to the security situation on the part of the Security Council and the African Union, they chose to halt negotiations at Abuja temporarily and agreed to convene again on 21 October.

48. In the period between the two rounds of Abuja talks, my Special Representative met representatives of SLM/A, JEM and the Government of the Sudan in Asmara, Nairobi and Khartoum. During the talks, all three parties reaffirmed their commitment to the ceasefire and to the need to reach a political solution to the conflict in Darfur. Recognizing the need to harmonize the

implementation of commitments made by the Government, my Special Representative met, on 24 September, with representatives of the Government and the AU Ceasefire Commission. The Government expressed readiness to engage in a dialogue with representatives of SLM/A, the United Nations, AU and the Ceasefire Commission in order to streamline the implementation of its obligations under the joint communiqué, Security Council resolutions 1556 (2004) and 1564 (2004), the Plan of Action, and the N'Djamena agreement. My Special Representative extended an invitation to representatives of SLM/A and to JEM to form a "harmonizing mechanism". He repeated this invitation while meeting with the delegation in Abuja at the end of October. The movements promised to consider the invitation, but have not responded so far.

49. The United Nations Advance Mission in the Sudan (UNAMIS) also participated in a meeting of the Ceasefire Commission held in N'Djamena on 4 October to discuss the compliance of the parties with the terms of the humanitarian ceasefire, where they reiterated the need for establishing a mechanism on the ground to harmonize the implementation of the various security obligations of the Government of the Sudan. This issue is still pending, and I hope that the ongoing discussions in Abuja will lead to a positive result in this regard.

50. The parties resumed talks in Abuja on 21 October. After the opening ceremony, the AU mediation team organized a workshop for the benefit of the parties on the lessons learned from the IGAD-sponsored peace process. When he attended the opening of the talks, my Special Representative urged the parties to respond positively to the demand of the Security Council to sign the protocol on improving the humanitarian situation on which they had agreed in the first round of talks. In his discussions with the parties, my Special Representative also stressed the need for establishing mechanisms on the ground to facilitate the implementation of that protocol, to harmonize the implementation of the security obligations of the parties, and to prevent further violations of the ceasefire. While the parties continued to discuss their security concerns in the framework of the Security Committee, the parties commenced negotiations on political issues on 29 October. Both parties presented their opening statements in the plenary, stating their visions of a political solution, and they have expressed readiness to negotiate a declaration of principles during this round of talks. We have urged them also to discuss ways of ensuring the full and immediate implementation of the agreed protocol on improving the humanitarian situation in Darfur, whether signed or not.

51. For the Abuja talks to lead to a comprehensive peaceful resolution of the conflict in Darfur, the parties must quickly start political negotiation, which would enable them to reach agreement on all other outstanding issues. Only when the parties are reassured that their political demands will be met and that their political interests will be catered for will they be able to come to terms with difficult choices such as disarmament, demobilization and reintegration. The conflict in Darfur started because political demands were not responded to, and it is unlikely that it will end before an agreement on those demands is reached.

52. However, to reach such a framework agreement, all parties need to put forward their vision for the future of the Sudan, and link it to the emerging peace agreement near completion under the auspices of IGAD. Moving towards forging a partnership between the Government and the rebels is also essential to the success of the negotiations in Abuja. While confidence between the parties remains — at best —

minimal, the parties need to make a strategic decision that they will work with each other to create a new reality in Darfur. With the African Union in the lead and the assistance of the international community, such a partnership could emerge and gradually rebuild the shattered trust between the Government and the rebel movements.

53. Yet, for any agreement, political or security, to be meaningful, the parties have to ensure that it is acceptable to all the people of Darfur, in all their diversity. Restoring the social fabric in Darfur and offering its inhabitants an appropriate form of governance and the necessary means for development is the best guarantee for a sustainable peace in that conflict-torn region of the Sudan.

XI. African Union

54. On 20 October, the AU Peace and Security Council issued a communiqué on the situation in Darfur, in which it announced that it would increase its mission in Darfur to 3,320 persons, including 2,341 military personnel, among them 450 observers and up to 815 civilian police. It also expanded the mandate of its mission beyond the terms of the N'Djamena agreement to include the monitoring and verification of the provision of security for returning internally displaced persons, the monitoring and verification of the efforts of the Government to disarm Government-controlled militias, the protection of civilians under imminent threat and in the immediate vicinity of the AU troops and monitors, it being understood that the protection of the civilian population is a responsibility of the Government of the Sudan, as well as the establishment of proactive contact with the Sudanese police. This mandate corresponds closely to the tasks listed in my last report, in which I said that an expanded African Union force would need to be sizeable, speedily deployed and have a mandate that goes well beyond overseeing the N'Djamena ceasefire agreement. In a session on 26 October, the Sudanese Parliament endorsed the deployment of additional AU forces to Darfur and the Government has indicated that it will accept verification by the AU Mission in Darfur on the question whether Janjaweed have been recruited into the police.

55. A United Nations assistance cell in Addis Ababa has been fully integrated into and co-located with elements of the Peace and Security Directorate of the AU Commission directly concerned with the management of the AU Mission. The cell has been staffed with technical experts in the fields of logistics, civilian police and operations. Under the authority of my Special Representative, it has already started to play an active role in support of the enhanced AU Mission.

56. In October, UNAMIS established and deployed support staff and supplies to field offices in Al Fasher and Nyala. Additional equipment has been airlifted to Khartoum and Nyala from the United Nations Logistics Base at Brindisi with a view to constructing full-scale offices at Al Fasher and Nyala, and Geneina and Zalingei during the month of December.

57. On 28 October, with the assistance of the United States of America, the deployment of the AU Mission commenced with the arrival of about 50 Nigerian troops at Al Fasher, followed by about 170 Rwandan military personnel on 30 and 31 October. This has increased the current military component of the African Union to about 670 troops. The new arrivals are likely to stay in Al Fasher until the African Union has the air resources sufficient to redeploy them to the nominated outlying sectors.

XII. Preparations for a United Nations peace support operation

58. In accordance with Security Council resolution 1547 (2004), the United Nations established a special political mission, the United Nations Advance Mission in the Sudan. Its relatively rapid deployment was also helped by the Government of the Sudan's signing of an agreement on the status of the mission and its personnel with the United Nations. However, despite a pledge to me from the Chairman of SPLM/A on 7 September 2004, SPLM/A has yet to respond to an exchange of letters on this matter. I urge SPLM/A to do so expeditiously, as it is in its interest to cooperate with the mission and further plans for a peace support operation in the south of the country.

59. UNAMIS has established a liaison office in Nairobi, to ensure continuous United Nations presence at the talks and to provide advice and expertise on matters related to a future role of the United Nations in support of the implementation of a comprehensive peace agreement. However, as we move closer to an agreement, much preparatory work remains to be done, particularly in the south, including on the anticipated return and reintegration of refugees and internally displaced persons and preparations for the development of a comprehensive disarmament, demobilization and reintegration programme. In my report of 3 June 2004, I emphasized to the Council the huge logistical challenges that the Mission faces as it prepares for a peace support operation. In addition to this anticipated effort, the Mission is expending a substantial effort on the work needed to bring about the agreement itself. At the same time, my Special Representative is strengthening his managerial capacity in order to achieve a robust unified mission structure. The developments listed above require additional staff in various fields, including civil affairs, humanitarian relief, public information, disarmament, demobilization and reintegration and return and reintegration, to facilitate progress towards a comprehensive agreement and prepare for the United Nations to provide rapid support in critical areas once the agreement is concluded.

XIII. Concluding observations

60. I said in my last report that September could come to be seen as a period of transition, but that that would depend on events in October. The talks now ongoing at Karen, Kenya, are proceeding well. Seen in combination with the deployment of the expanded AU force, one could say my expectation has, to a large extent and thanks to support from partners, been met. I also said that the expanded African Union force needed to be sizeable, speedily deployed and to have a mandate going well beyond overseeing the N'Djamena ceasefire agreement. The mandate of the AU Mission in Darfur corresponds closely with the tasks listed in my previous report and more troops are arriving on the ground at this moment. Knowing the difficulties of these tasks, I offer my thanks to the African Union for taking the lead in this crucial and ambitious operation.

61. However, in spite of progress in these two areas, there has been regression in others. There have been more breaches of the ceasefire. Overall, violence seems to be increasing and affecting civilians indirectly as well as directly: through threats against humanitarian workers as well as through continued attacks and intimidation. Attacks and killings continue to occur in Darfur on a scale that is unacceptable.

62. Progress on improving security in Darfur is also blocked by the failure of the Government to act convincingly to end impunity. Without an end to impunity, no

group will agree to disarm, so the fighting goes on. Without an end to impunity, no displaced person or refugee dares to return home, so the dreadful situation in the camps continues. Without an end to impunity, banditry goes from strength to strength, menacing the population and obstructing the delivery of aid to desperate people in isolated areas. The Government cannot use the actions of the rebels or the work of the International Commission of Inquiry to excuse its lack of action on ending impunity. It must build on the very limited action it has taken so far and present a comprehensive and concrete programme for holding accountable those responsible for widespread and systematic violations over the past year or more.

63. The increases in the numbers of internally displaced persons reflect the severity of the protection and security situation in Darfur. The parties to the conflict must take this as a clear message to pursue urgently a peace agreement. When the conditions to prevent future suffering are created, internally displaced persons may be in a position to return home voluntarily and with dignity, in large numbers. In the meantime, the humanitarian agencies continue to make progress in meeting the basic needs of the conflict-affected population. This progress can only be sustained by a timely and generous response from the donor community across all crucial sectors.

64. I have, in previous reports, listed reasons why the outcome of the North-South peace process — that is, peace, a new constitution, a federal structure for the State, national differentiation, and a broad-based Government — can serve as a model for Darfur. It now seems that this round of talks has a good chance of being completed by the end of the year. The international community should ensure that the momentum is sustained, and that it gives the right message to the parties with a single, strong voice. There is now, more than ever, an urgent need for firm pressure on all parties to finalize the agreements and move into the implementation phase. As we have seen in past cases, the final stage can be the most difficult, with new challenges emerging until the last moment. This final stage has to be completed ultimately around the end of this calendar year. Negotiators owe this not only to the people affected by the North-South conflict, but also to the population elsewhere in the Sudan, particularly in Darfur. Therefore, negotiators at the North-South talks should commit themselves to working together to resolve the Darfur conflict immediately after the signature of the comprehensive agreement, for instance by strengthening and underpinning the political process already under way in Abuja.

65. Violence in Darfur is on the rise. New movements are threatening the peace in Kordofan, in the east and in Khartoum. There is reluctance at the negotiation table in Abuja, distrust, internal division, lack of capacity to negotiate and no sense of urgency. I call on all parties and Member States with influence over the parties to reverse this worrisome trend.

66. The Security Council has adopted a number of resolutions on the Sudan in 2004, primarily because of increasing concern regarding the fate of the civilian population. Political leaders, on any side, who deny the facts on the ground, neglect the sorrow of poor and vulnerable people living in areas under their control, and use delaying tactics in negotiations and implementation procedures are acting irresponsibly. The Security Council may wish to consider creative and prompt action to ensure effective implementation of the demands set out in its earlier resolutions. The meeting of the Security Council to be held at Nairobi in mid-November provides a major opportunity in this respect.